



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220
24314 7590 04/10/2007 JANSSON SHUPE & MUNGER LTD. 245 MAIN STREET RACINE, WI 53403			EXAMINER PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,519	<b>Applicant(s)</b> LARSON ET AL.	
	<b>Examiner</b> David J. Parsley	<b>Art Unit</b> 3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 77-84, 86-88 and 91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-84, 86-88 and 91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 1-30-07 and this action is final.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 78-79 and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 78 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to whether the "a lens" in line 3 is the same lens in line 1 of the claim or is a second lens.

Claim 88 recites the limitations "the annular groove" and "the annular ridge" in line 3. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,399 to DePoe in view of U.S. Patent No. 6,260,302 to Blaschke in further view of U.S. Patent No. 6,921,181 to Yen.

Referring to claim 77, Depoe discloses a collapsible fish-landing net apparatus of the type including a telescoping handle – at 12,22, a frame – at 14, and a net – at 20 on the frame comprising, the handle – at 12,22, being formed by a plurality of telescoping sections – at 12,22, one of which has a distal end facing the net – see at 22 in figure 2, the frame – at 14, being secured to one of the telescoping sections – at 12 – see figure 2, and an illuminator – at 30,32, for illuminating the net being disposed in the distal end of the handle – at 22, and remote from the opposite end of the handle – see figure 2, a light body – at 32, secured to the distal end of the handle – see figure 2, at least one battery (not shown), for electric power – see figure 2. Depoe does not disclose the frame is foldable. Blaschke does disclose the frame – at 10-12,26, is foldable – see figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe and add the foldable frame of Blaschke, so as to make the device more compact for easy transport and storage. Depoe further does not disclose an LED illuminator including a light body secured to the distal end of the handle, the light body having lens engaging

Art Unit: 3643

end and an inner recess, at least one light emitting diode secured within the inner recess, at least one battery secured within the inner recess for electric power to the LED and a lens secured with respect to the lens-engaging end of the light body. Yen does disclose an LED illuminator – at 21-28, including a light body – at 23, the rear of 24 and front of 26, secured to the distal end of the handle – at the rear of 26 – see figure 3, the light body having lens engaging end – at 25, and an inner recess – see the interior space of 23-25 in figure 3, at least one light emitting diode – at 21, secured within the inner recess – see figure 3, at least one battery – at 261, secured within the inner recess – see figure 3, for electric power to the LED and a lens – see proximate 25 in figure 3, secured with respect to the lens-engaging end of the light body – see figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of DePoe as modified by Blaschke and add the Led light source with lens of Yen, so as to provide proper illumination of the device in the dark.

Referring to claim 78, Depoe as modified by Blaschke and Yen further discloses the lens is secured with respect to the lens engaging end – see at 25 in figure 3 of Yen, of the light body by a rotary switch lens cap – at 24,26, having a first end engaging a lens – see proximate 25, and an opposite second end – at the front of 26, rotatably attached to the lens engaging end of the light body – see at 24 and 26, for on/off switching of electric power to the LED and having a light passage portion therethrough – see figure 3 of Yen.

Referring to claim 79, DePoe as modified by Blaschke and Yen further discloses the illuminator is adapted for changing the light brightness level by rotating the rotary switch, the illuminator including a plurality of switch positions – along the threads between 25 and 26 as seen in figure 3, corresponding to a plurality of brightness levels access by rotating the rotary

Art Unit: 3643

switch lens – along the threads as seen in figure 3, and an illumination level control – at 22,211,212,231, adapting the LED – at 21, to the plurality of brightness levels corresponding to the plurality of switch positions – see figure 3 of Yen. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Blaschke and Yen and add the Led light source with illuminator of Yen, so as to provide proper illumination of the device in the dark.

Claims 80-82 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over DePoe as modified by Blaschke and Yen as applied to claim 77 above, and further in view of U.S. Patent No. 4,800,667 to Johnson.

Referring to claim 80, Depoe as modified by Blaschke and Yen does not disclose the frame has at least one surface facing the LED and having a reflective portion. Johnson does disclose the frame – at 31,32, has at least one surface facing the light – at 13 – see – at 32 in figures 1 and 3, and having a reflective portion – see column 2 lines 48-58 where the frame is made of metal which is inherently reflective. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Blaschke and Yen add the frame of Johnson, so as to allow for the device to be properly illuminated in the dark.

Referring to claims 81-82, Depoe as modified by DePoe, Yen and Johnson does not disclose the reflective portion is one of reflective tape and reflective coating containing fluorescent pigment. However, applicant does not state that using reflective tape or coating with fluorescent pigment is critical to the operation of the invention in view of other types of reflective materials. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Blaschke, Yen and Johnson and add the reflective tape

Art Unit: 3643

or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 84, Depoe as modified by Blaschke, Yen and Johnson further discloses the light body is further adapted a light beam emitted from the illuminator on the reflective portion – at 31,32 – see at 22 in figures 1 and 3 of Johnson. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Blaschke and Yen add the frame of Johnson, so as to allow for the device to be properly illuminated in the dark.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Depoe as modified by Blaschke, Yen and Johnson as applied to claim 82 above, and further in view of U.S. Patent No. 5,442,875 to Brundage et al. Depoe as modified by Blaschke, Yen and Johnson does not disclose the surface of the frame includes an optical filter for filtering light emitted by the frame. Brundage et al. does disclose the frame – at 12, includes an optical filter for filtering light emitted by the frame – at the outer surface of 12 – see column 4 lines 38-49 and column 6 lines 17-26. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Blaschke, Yen and Johnson and add the optical filter of Brundage et al., so as to allow for light transmitted through the device to be controlled.

Claims 86 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,399 to DePoe in view of U.S. Patent No. 6,921,181 to Yen.

Referring to claims 86 and 91, Depoe discloses a collapsible fish-landing net apparatus of the type including a telescoping handle – at 12,22, a frame – at 14, and a net – at 20 on the frame comprising, the handle – at 12,22, being formed by a plurality of telescoping sections – at 12,22,

Art Unit: 3643

one of which has a distal end facing the net – see at 22 in figure 2, the frame – at 14, being secured to one of the telescoping sections – at 12 – see figure 2, and an illuminator – at 30,32, for illuminating the net being disposed in the distal end of the handle – at 22, and remote from the opposite end of the handle – see figure 2, a light body – at 32, secured to the distal end of the handle – see figure 2, at least one battery (not shown), for electric power – see figure 2. Depoe further does not disclose an LED illuminator including a light body secured to the distal end of the handle, the light body having lens engaging end and an inner recess, at least one light emitting diode secured within the inner recess, at least one battery secured within the inner recess for electric power to the LED and a lens secured with respect to the lens-engaging end of the light body. Yen does disclose an LED illuminator – at 21-28, including a light body – at 23, the rear of 24 and front of 26, secured to the distal end of the handle – at the rear of 26 – see figure 3, the light body having lens engaging end – at 25, and an inner recess – see the interior space of 23-25 in figure 3, at least one light emitting diode – at 21, secured within the inner recess – see figure 3, at least one battery – at 261, secured within the inner recess – see figure 3, for electric power to the LED and a lens – see proximate 25 in figure 3, secured with respect to the lens-engaging end of the light body – see figure 3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of DePoe and add the Led light source with lens of Yen, so as to provide proper illumination of the device in the dark.

Claims 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Depoe as modified by Yen as applied to claim 86 above, and further in view of Johnson.

Referring to claim 87, DePoe as modified by Yen does not disclose the handle at its distal end is a hollow tube terminating in an annular edge, and the light body includes a first lengthwise



Art Unit: 3643

portion configured for tight fitting inside the distal end to hold the light body in place and a second lengthwise portion adjacent to and wider than the first lengthwise portion such that it externally abuts the annular edge. Johnson does disclose the handle at its distal end is a hollow tube – see at 20 in figures 1 and 3 of Johnson, terminating in an annular edge – see figure 3, and the light body – at 11, includes a first lengthwise portion configured for tight fitting engagement in the distal end – see at the rear portion of 11 and at 17 in figure 3, and a second lengthwise portion – at the forward portion of item 11, adjacent to and wider than the first lengthwise portion – see figure 3, such that it externally abuts the annular edge – see proximate 13,14,16 in figure 3 of Johnson. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Yen and add the handle of Johnson, so as to allow for the user to securely hold the device during use.

Referring to claim 88, Depoe as modified by Johnson and Yen further discloses the rotary switch lens cap at the second lengthwise portion of the light body – at 24,25,26, of Yen, is a lens cap engaging end – see proximate 25 in figure 3, and includes the annular groove – at the rear of 24, rotatably engaging the annular ridge – at the front of 26, of the lens cap of the light body and is rotatable with respect thereto – see the threaded connection in figure 3 of Yen. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Depoe as modified by Yen and Johnson and add the Led light source with rotary switch lens of Yen, so as to provide proper illumination of the device in the dark.

### ***Response to Arguments***

Art Unit: 3643

4. Regarding claims 77-82, 84 and 86-89, the Depoe reference US 6032399 discloses a visual alarm which inherently is a light visible to the user. The Yen reference US 6921181 discloses the LED – at 21 and battery – at 261 are in the same recess being the recess at the interior of 24 as seen in figure 3. Further, Yen discloses the lens cap – proximate 25, is rotatably attached to light body – at the front of 26, via the threads as seen in figure 3.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3643

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Parsley  
Patent Examiner  
Art Unit 3643